**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE SIDE**

**WRIT PETITION NO. 7532 OF 2007**

Waman Dadu Mote .... Petitioner

versus

Sou Balubai @ Chaya Appa Padalkar & ors. ..... Respondent.

Shri Mandar V. Limaye for the petitioner.

**CORAM; A.P. DESHPANDE, J.**
**DATED; 15TH OCTOBER, 2007**

**P.C.;**

1. Admittedly the petitioner was served on 10-6-2004 and 'no w.s.' order was passed against him on 25-10-2004. Belatedly, an application came to be filed for setting aside 'no w.s.' order and seeking permission to place on record written statement on 24-4-2007. The reason stated in the said application is that as relevant documents were not available, the petitioner could not prepare the written statement and file the same in time. The trial court has observed that the petitioner has failed to make out an exceptional case under Order 8 Rule 1, and wants to file the written statement on record after a period of more than three years and thus rejected the application. The suit is for partition and separate possession of the joint family property.

2. Perused the order impugned. The same does not call for any interference. Hence petition is summarily dismissed.

...